

From: Fritz Daily [buttedaily@bresnan.net]
Sent: 5/28/2019 7:45:34 PM
To: Sopkin, Gregory [sopkin.gregory@epa.gov]
CC: Mutter, Andrew [mutter.andrew@epa.gov]; David McCumber [david.mccumber@mtstandard.com]; Cindy (Daines) Perdue-Dolan [Cindy_Perdue-Dolan@daines.senate.gov]; Erik Nylund [erik_nylund@tester.senate.gov]; Smidinger, Betsy [Smidinger.Betsy@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]; Mary Jo McDonald [mjomcd@gmail.com]; Ron Davis [rondavis@kbowkoppr.com]
Subject: Re: My Thoughts

Greg,

It would be my pleasure to meet with you when you come to Butte. We could either go to lunch, have coffee or whatever.

Thanks for contacting me. We can either have lunch by ourselves, or we could include my comrades in the Silver Bow Creek Headwaters Coalition's successful lawsuit against the State of Montana---Sister Mary Jo McDonald and Ron Davis. You make the call!

FYI---As Doug has probably told you, I obviously do not agree with the Proposed Record of Decision Amendment on Butte Priority Soils Operable Unit. However, as I have written numerous times and expressed in my public testimony last week---I do believe however, that there is still an opportunity to do what I say is right and to give Butte and the Clark Fork and Columbia River Basins the quality cleanup and restoration Butte is entitled to and guaranteed in Superfund/State laws and the Montana Constitution. It's totally up to the EPA. If the current proposal is accepted that absolutely will not happen. I have stated;

- For Your Information---Silver Bow Creek from Texas Avenue to Montana Street {The "last first mile" of Silver Bow Creek cleanup and restoration} has been divided into three separate sections of cleanup. The State is responsible for cleanup and restoration from Texas Avenue to Casey Street. Arco/BP is responsible for cleanup from Casey Street to Montana Street. The Montana Department of Environmental Quality is responsible for the area around the Butte Chamber of Commerce---That is totally wrong! This is one section of Creek and should be treated as such as has been the cleanup and restoration of the other 25 miles of the Creek.**
- Lowering the discharge standards to the Creek to allow for a discharge of contaminated storm water and Berkeley Pit Water that must be discharged to Silver Bow Creek, in perpetuity, is even more unbelievable and is a direct violation of Superfund/state laws and the Montana Constitution!**
- Not restoring Butte's portion of Silver Bow Creek to a quality creek where children can fish and play is unconscionable and an irresponsible decision! The decision is the final decision for the Butte Superfund area and it along with the Berkeley Pit and Montana Pole decisions will have forever-negative environmental, economic and social consequences for Butte Montana!**
- And yes we can have a real creek flowing through our town connected to the groundwater, as required of a Creek. You absolutely can! As Judge Newman Ordered in the successful Silver Bow Creek Headwaters Coalition Lawsuit, Silver Bow Creek from Texas Avenue to Montana Street is a Creek and protected in the Montana Constitution as Waters of the State of Montana.**
- I believe it is totally wrong for Arco/BP to be taken off the hook for the cleanup of the portion of the Silver Bow Creek Corridor from the Headwaters at the Parrot Tailings area at Texas Avenue to Casey Street.**
- I believe it is totally wrong that we as a community are now being told if we do not accept the inferior cleanup and restoration now being proposed by the agencies and Arco/BP that we are going to get a worse inferior cleanup, by using Unilateral Orders.**

- For the record--- Silver Bow Creek from Texas Ave to Montana Street is a Creek and a watercourse and not a sewer, a storm drain or a “water feature”! Judge Brad Newman confirmed this in his decision in the successful Silver Bow Creek Headwaters Coalition Lawsuit against the State of Montana!
- The “stakeholders” in this critical decision are not the EPA/State representatives, the Atlantic Richfield British Petroleum Company and the contractors as claimed by the EPA here tonight. The true stakeholders are the folks from Butte and the Clark Fork and Columbia River Basins and most importantly the future of our great town---our kids and grandkids!
- There is absolutely no question under Superfund and State Laws and the Montana Constitution that the Atlantic Richfield Company now British Petroleum Company is totally responsible for the cleanup. They made the decision to close the Butte Mines, to close the Anaconda Smelter, to close the Berkeley Pit, shut off the underground pumps in the Kelley Mine that caused the Berkeley Pit and Butte mine flooding, and finally they closed the East Continental Pit that ended mining in Butte as was known for 100 years.
- I find it unconscionable that the Local government, the State and the EPA have not demanded that Butte receive the quality cleanup and restoration that we are guaranteed under Superfund and state Law and the Montana Constitution.
- The most important issue I always stress in my presentations and in my writing and meeting with EPA, State and Local folks is the importance of Butte Montana in the shaping and creating of this great nation.
- As I told Administrator Wheeler, Doug Benevento, Senator Daines and Attorney General Tim Fox---The question I am asked most often is why has Butte not received the cleanup and restoration that the community is guaranteed under Superfund and State law and the Montana Constitution and most importantly why did they start the cleanup of Silver Bow Creek in the middle and not at the headwaters in Butte where the damage originated?

My answer is always the same---Number one it is the incompetence of the agencies and the local government and number two is the anti Butte mentality that is so prevalent within the State and EPA

Fritz

From: Sopkin, Gregory

Sent: Tuesday, May 28, 2019 10:59 AM

To: Fritz Daily

Cc: Mutter, Andrew ; David McCumber ; Cindy (Daines) Perdue-Dolan ; Erik Nylund ; Smidinger, Betsy ; Benevento, Douglas

Subject: RE: My Thoughts

Fritz:

I would like to reach out and introduce myself to you – Doug has advised me of your great passion and informative help on these issues. I will be getting up to Montana in two weeks, and look forward to meeting you and the community. I also am highly interested in furthering Doug’s (and the EPA’s) cause to reach a final agreement that protects Butte and moves on from the Superfund designation.

Greg Sopkin
Regional Administrator
US EPA Region 8

1595 Wynkoop Street
Denver, CO 80202
(303) 312-6170

From: Benevento, Douglas

Sent: Monday, May 27, 2019 11:05 AM

To: Fritz Daily <buttedaily@bresnan.net>

Cc: Mutter, Andrew <mutter.andrew@epa.gov>; David McCumber <david.mccumber@mtstandard.com>; Cindy (Daines) Perdue-Dolan <Cindy_Perdue-Dolan@daines.senate.gov>; Erik Nylund <erik_nylund@tester.senate.gov>; Sopkin, Gregory <sopkin.gregory@epa.gov>; Smidinger, Betsy <Smidinger.Betsy@epa.gov>

Subject: RE: My Thoughts

Hi Fritz, thanks for the email. To start at the end, you're too good a friend to offend me, so need to worry about that. I obviously wasn't at the meeting so I can't comment on it. We do disagree on the how thorough this clean up is, we're doing significant removals and putting practices that will improve water quality. I'm very confident that the work we are doing is in the best interest of Butte. I know there is still ongoing discussion regarding Upper Silver Bow Creek, I've added into this email chain Greg Sopkin the new RA who will be visiting Butte in the next couple of weeks. I know Greg has been working with the team on USB and he will be meeting with the community to talk about it and the cleanup generally.

Fritz, I want you to know that I am still following progress at Butte closely, reaching a final agreement that protects Butte and allows it to move on from the Superfund stigma is very important to me. I think the cleanup agreement we've reached with the County, the State, and ARCO is a great cleanup.

I really do appreciate that you keep me in the loop Fritz.

Doug

From: Fritz Daily <buttedaily@bresnan.net>

Sent: Saturday, May 25, 2019 2:16 PM

To: Benevento, Douglas <benevento.douglas@epa.gov>

Cc: Mutter, Andrew <mutter.andrew@epa.gov>; David McCumber <david.mccumber@mtstandard.com>; Cindy (Daines) Perdue-Dolan <Cindy_Perdue-Dolan@daines.senate.gov>; Erik Nylund <erik_nylund@tester.senate.gov>

Subject: My Thoughts

Doug,

Another great article in Friday's Standard about the hearing on Thursday! If you have not, please read it.

I am also attaching the letter I wrote and an editorial I recently wrote. Hope you find them of interest. I will also submit my public testimony for the record since I was not allowed to finish my presentation by Chris Wardell!

Hard to believe that the only time Butte's folks have an opportunity to comment and ask questions, and most importantly the only time the EPA records anything, on what I have stated is one of the most important decisions that will ever be made, if not the most important, on Butte's future and Chris Wardell would cut off testimony of concerned folks like me. He even cut off Judge Newman! It totally pissed me off and I told him and the others so! {sorry about the language but couldn't think of a better word}

I debated about sending this email to you, but after thinking about it you need to know what is going on. I always liked the quote Kel Kelley used in his email to me---"Whatever has happened with the EPA in the past, we that are here now own that". I believe you share that feeling!

I was embarrassed for the EPA in the way they have conducted the hearing on the Proposed Record of Decision Amendment. Obviously the folks involved need to learn some proper training on how to properly conduct a meeting! Even if they don't care about what concerned folks feel---at least they should fake it and make folks feel like they do.

It is absolutely unbelievable and unconscionable that pertinent questions that addressed concerns of the folks attending the hearing and asked at the meetings were not recorded! Is EPA afraid Judge Hadden may actually know the truth about folks concerns before he makes his decision?

I actually told him in front of the whole audience that if you were there that would not have happened. I also told him it made me "sick to my stomach" the way **HE** and the EPA treat Butte--- **Solidifies my distain and sickening mistrust of the EPA, State and Local Government! While they did allow a few folks like me to offer additional testimony after everyone had testified, Chris then stated we had to be out of the Tech Auditorium by 9:00. Can't even imagine Tech told them to be out by 9:00. I do not believe that is true for a second! Must have had a dinner date! LOL**

Sorry to always seem so negative, but this kind of crap has to stop. The meetings EPA conducts are absolutely not "user friendly"! To do things right---Lecterns with attached microphones should be used so folks that want to comment can use notes and feel comfortable that their comments mean something. I have told both Chris and Nakia of my concerns on this issue in the past, but obviously falls on deaf ears. FYI---Most folks who did testify had notes. Cutting off folks comments is unconscionable. No wonder Butte folks have such a negative image of the EPA. It is justified.

They should also pass around a note pad for folks to sign and state they are for or against the proposed document. I believe the main reason for conducting the hearing is for the Judge to know how the folks feel. FYI---This is a quote from a concerned citizen on the Standard Article---"Thank the Lord, Butte's not going to down without a full-on fight. Perhaps it is not surprising that the only four people speaking in favor all seem to be paid consultants or former paid consultants of EPA or employees of the other responsible parties to the clean up."

Also Doug, as I told the audience the way the system works is that the comments, both public and written, are sent to the EPA who then summarizes them for Judge Hadden. Sadly Judge Hadden does not get the full info and thus does not know the truth! In my written comments, and I plan to send more, I received what I would call a 'form letter' thanking me for the comments, but not one of my concerns expressed in the letter were addressed. That is wrong!

Anyway, enough said. If you don't like the email or it offends you, throw it in file 13. However, in my heart, I still believe you and guys like Andrew Mutter care. When this is over I hope I have the same feeling! I absolutely do not share the same feeling about the Montana EPA Office and its employees.

Fritz

P.S. And yes we can have a real creek flowing through our town connected to the groundwater, as required of a Creek. You absolutely can! As Judge Newman Ordered in the successful Silver Bow Creek Headwaters Coalition Lawsuit, Silver Bow Creek from Texas Avenue to Montana Street is a Creek and protected in the Montana Constitution as Waters of the State of Montana. He reiterated that during his excellent testimony!

For the record--- Silver Bow Creek from Texas Ave to Montana Street is a Creek and a watercourse and not a sewer, a storm drain or a "water feature"! Judge Brad Newman confirmed this in his decision in the successful Silver Bow Creek Headwaters Coalition Lawsuit against the State of Montana!

The "stakeholders" in this critical decision are not the EPA/State representatives, the Atlantic Richfield British Petroleum Company and the contractors as claimed by the EPA here tonight. The true

stakeholders are the folks from Butte and the Clark Fork and Columbia River Basins and most importantly the future of our great town---our kids and grandkids!